

District Judge Tana Lin

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

THE UNIVERSITY OF WASHINGTON, a Washington State Agency; THE CENTER FOR HUMAN RIGHTS AT THE UNIVERSITY OF WASHINGTON, a research center created by state law; and ANGELA GODOY, Director of the Center for Human Rights at the University of Washington,

Plaintiffs,

V.

UNITED STATES DEPARTMENT OF HOMELAND SECURITY; and UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT.

Defendants.

Pursuant to the Court's Order of December 29, 2022, Dkt. 19, the parties respectfully submit the following joint status report.

1. On September 20, 2022, Plaintiffs filed their Complaint seeking relief under the Freedom of Information Act (“FOIA”) in connection with their requests for certain records which Plaintiffs believe to be in the possession, custody, or control of Defendants. Dkt. 1

2. On November 18, 2022, the Court entered a Revised Order Regarding Joint Status Report, requiring the parties to file a combined joint status report and discovery plan. Dkt. 15.

3. On November 28, 2022, Defendants filed their Answer, Dkt. 16.

4. On November 30, 2022,

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1 5. In the November JSR, the parties stated their concise positions concerning the relief
 2 requested in the Complaint. *Id.* at ¶ 1. Plaintiffs stated that they sought (1) production of
 3 certain documents responsive to their FOIA requests and already identified by Defendants by
 4 December 7, 2022, (2) production of other especially time-sensitive documents responsive to
 5 Plaintiffs' FOIA requests by January 17, 2022, and (3) rolling productions thereafter of other
 6 responsive documents on the 15th of every month—or if that date falls on a weekend or federal
 7 holiday, then the following business day—starting February 15, 2023, until complete, with all
 8 productions completed by August 15, 2023. *Id.* at ¶ 1(A). Defendants stated that the issues were
 9 relatively straightforward and that no one FOIA request in the Complaint appeared particularly
 10 complex. *Id.* at ¶ 1(B). Defendants stated further that they were hopeful the parties could agree on
 11 a reasonable schedule to fully satisfy Plaintiffs' FOIA requests. *Id.*

12 6. On December 8, 2022, Defendants made their first production since the start of
 13 litigation, which consisted of one partially redacted 153-page file (“December Production”).
 14 Defendants’ position is that the December Production satisfied Defendants’ obligations in response
 15 to requests ICE0120 and ICE0058. Plaintiffs are evaluating the December Production and will
 16 continue to confer with Defendants if further questions or issues arise with respect to ICE0120 and
 17 ICE0058.

18 7. On December 14, 2022, the parties held a telephonic meet and confer during which
 19 they discussed the mechanism by which Defendants would produce documents, clarifications of
 20 certain of Plaintiffs’ FOIA requests, an update on Defendants’ search efforts, and the proposed
 21 production schedule Plaintiffs included in the November JSR. Plaintiffs provided a draft JSR on
 22 December 20, 2022, proposing the same dates for production Plaintiffs had proposed through the
 23 November JSR.

24 8. On December 22, 2022, the parties filed a JSR (“December JSR”) in which they
 25 stated their positions with respect to a production schedule. Dkt. 18. Plaintiffs re-stated the
 26 proposed production schedule from the November JSR, with monthly productions and a deadline
 27 of August 15, 2023, for the completion of all productions. *Id.* ¶ 9(a).

1 9. On December 29, the Court entered an Order Setting Bench Trial Date and Related
2 Dates, Dkt. 19, setting the deadline for the parties' next joint status report for February 1, 2023.

3 10. On January 23, 2023, Defendants made their second production since the start of
4 litigation available to Plaintiffs.¹ Plaintiffs are in the process of reviewing this production.

5 11. As stated in the November JSR and December JSR, Plaintiffs have requested that
6 Defendants make productions on a rolling basis, with at least one production per month, to be
7 produced by the 15th of every month—or if that date falls on a weekend or federal holiday, then
8 the following business day—starting February 15, 2023, until complete.

9 12. As is their standard practice, Defendants intend to make productions at least once a
10 month, or more, as documents are reviewed and finalized.

11 13. The parties have agreed that Defendants will prioritize the following requests as
12 described in the Complaint and the parties' correspondence: ICE0250, ICE0078, ICE0120, ICE
13 0058, ICE0243, ICE0249, and ICE0090. To the extent not already complete, Defendants will focus
14 their search and collection efforts on producing documents responsive to these requests first, and
15 then shift their focus to the remaining FOIA requests as listed in the Complaint and the parties'
16 correspondence.

17 14. The parties have agreed that a final production deadline of no later than September
18 15, 2023 would allow enough time for Defendants to complete their productions in response to all
19 FOIA requests included in the Complaint. Plaintiffs maintain their position that good faith search
20 and collection efforts would allow Defendants enough time to satisfy their FOIA obligations and
21 complete their productions by August 15, 2023.

22 15. Plaintiffs respectfully request the Court enter an order requiring the parties' next
23 joint status report be filed with the Court by April 3, 2023, to update the Court on the progress of
24 the productions.

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27 ¹ Due to a technical difficulty, Plaintiffs first access to the second production was on January 27, 2023.

16. Defendants believe such reports are an unnecessary use of the Court's and the parties' time and resources but will abide by whatever schedule the Court sets.

DATED this 1st day of February 2023.

Respectfully submitted,

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s/ Daniel A. Fiedler

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